

## **REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are unpatentable under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of the presented claims are in condition for allowance.

### **I. REJECTION OF CLAIMS 1-5, 7-13, AND 15-16 UNDER 35 U.S.C. §103**

The Examiner rejected claims 1-17 and 19-38 as being unpatentable under 35 U.S.C. §103(a) over the Boivie et al. patent (U.S. Patent No. 6,415,312, issued July 2, 2002, hereinafter referred to as “Boivie”) in view of the Wu patent (U.S. Patent No. 6,601,208, issued July 29, 2003, hereinafter “Wu”). In response, the Applicants have amended independent claims 1 and 9 in order to more clearly recite aspects of the present invention.

The Examiner’s attention is respectfully directed to the fact that Boivie and Wu, singly or in any permissible combination, fail to teach or suggest a method for distributing content in which a server (i.e., a source of a packet) selects all of the intermediate receivers or nodes through which the packet should travel to its final destination (i.e., a receiver), as recited in Applicants’ independent claims 1 and 9.

By contrast, the combination (as taught by Boivie) at best teaches a method in which a source node selects only the first intermediate receiver (e.g., router) through which the packet should travel. All subsequent intermediate receivers are selected by other intermediate receivers. For example, Boivie teaches in column 3, line 66 – column 4, line 2 that “A [the source node] can send a new type of packet, according to this invention, to its default router, R1, that includes the list of destinations for the packet.” Boivie then goes on in column 4, lines 20-31 to specify that “[t]he processing that a router [e.g., R1] does on receiving one of these ... packets is as follows: Perform a route table lookup to determine the ‘next hop’ for each of the destinations listed in the packet ...” (emphasis added). Thus, the source node according to Boivie cannot select all of the intermediate receivers of the packet, as claimed by the Applicants, but at best can select only the first intermediate receiver.

Wu fails to bridge this gap in the teachings of Boivie. Specifically, Wu also fails to teach or suggest a method for distributing content in which a server at which a packet originates selects all of the intermediate receivers or nodes through which the packet should travel to its final destination (i.e., a receiver), as recited in Applicants' independent claims 1 and 9. Thus Boivie and Wu, singly or in any permissible combination, fail to teach or suggest all of the limitations recited in Applicants' independent claims 1 and 9. Specifically, Applicants' claims 1 and 9 positively recite:

1. A method for distributing content from a server to a plurality of receivers, wherein said content is packetized into one or more packets, comprising:
  - establishing a multicast distribution tree rooted at the server; and
  - directing, by the server, transmission of each of the one or more packets along at least a portion of the multicast distribution tree, the at least a portion of the multicast distribution tree comprising one or more intermediate receivers through which the each of the one or more packets must travel to reach the plurality of receivers, wherein the server selects all of the one or more intermediate receivers in the at least a portion of the multicast distribution tree,
    - wherein the server defines a different set of the one or more intermediate receivers for each of said one or more packets,
    - and wherein at least some of the one or more packets are encoded with forward error correction coding. (Emphasis added)
9. A method for distributing content from a server to a plurality of receivers, wherein said content is packetized into at least one packet, comprising:
  - establishing a multicast distribution tree rooted at the server; and
  - directing, by the server, transmission of the at least one packet along at least a portion of the multicast distribution tree, the at least a portion of the multicast distribution tree comprising one or more intermediate receivers through which the at least one packet must travel to reach the plurality of receivers, wherein the server selects all of the one or more intermediate receivers,
    - wherein the plurality of receivers and the one or more intermediate receivers are defined by the server,
    - and wherein at least some of the one or more packets are encoded with forward error correction coding. (Emphasis added)

Since Boivie and Wu, singly or in any permissible combination, fail to teach or suggest a method for distributing content in which a server at which a packet originates selects all of the intermediate receivers or nodes through which the packet should travel

to its final destination (*i.e.*, a receiver), Boivie in view of Wu does not teach or suggest each and every element of Applicants' independent claims 1 and 9. Moreover, dependent claims 2-5, 7-8, 10-13, and 15-16 depend, respectively, from independent claims 1 and 9, respectively and recite additional features. As such, and for at least the same reasons set forth above with respect to claims 1 and 9, the Applicants submit that claims 2-5, 7-8, 10-13, and 15-16 are also not made obvious and are allowable.

Therefore, Applicants contend that claims 1-5, 7-13, and 15-16 are patentable over Boivie in view of Wu and, as such, fully satisfy the requirements of 35 U.S.C. §103(a). Thus, Applicants respectfully request that the rejection of claims 1-5, 7-13, and 15-16 under 35 U.S.C. §103(a) be withdrawn.

## **II. CONCLUSION**


Thus, the Applicants submit that all of the presented claims fully satisfy the requirements of 35 U.S.C. §103. Consequently, the Applicants believe that all of these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Kin-Wah Tong, Esq. at (732) 842-8110 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Date

  
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